

Office of Personnel Management

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employee based on an election made under subpart F of part 842 of this chapter or a qualifying court order.

(c) The basic employee death benefit paid to a current spouse may not exceed the difference between—

(1) The amount that would otherwise be payable to the current spouse under § 843.310; and

(2) The portion of the basic employee death benefit payable to a former spouse based on a qualifying court order.

§ 843.313 Elections between survivor annuities.

(a) A current spouse annuity cannot be reinstated under § 843.305 unless—

(1) The surviving spouse elects to receive the reinstated current spouse annuity instead of any other payments (except any accrued but unpaid annuity and any unpaid employee contributions) to which he or she may be entitled under FERS, or any other retirement system for Government employees, by reason of the remarriage; and

(2) Any lump sum paid on termination of the annuity is returned to the Civil Service Retirement and Disability Fund.

(b) A current spouse is entitled to a current spouse annuity based on an election under § 842.612 only upon electing this current spouse annuity instead of any other payments (except any accrued but unpaid annuity and any unpaid employee contributions) to which he or she may be entitled under FERS, or any other retirement system for Government employees.

(c) A former spouse who marries a retiree is entitled to a former spouse annuity based on an election by that retiree under § 842.611, or a qualifying court order terminating that marriage to that retiree only upon electing this former spouse annuity instead of any other payments (except any accrued but unpaid annuity and any unpaid employee contributions) to which he or she may be entitled under FERS, or any other retirement system for Government employees.

(d) As used in this section, “any other retirement system for Government employees” does not include Survivor Benefit Payments from a military retire-

ment system or social security benefits.

[57 FR 54681, Nov. 20, 1992]

§ 843.314 Amount of survivor annuity where service includes credit for service with a nonappropriated fund instrumentality.

(a) The survivor annuity based on service that includes service with a nonappropriated fund instrumentality made creditable by an election under 5 CFR part 847, subpart D, is computed under 5 CFR part 847, subpart F.

(b) The survivor annuity based on service that includes service with a nonappropriated fund instrumentality made creditable by an election under 5 CFR part 847, subpart H, is computed under 5 CFR part 847, subpart I.

[68 FR 2178, Jan. 16, 2003]

APPENDIX A TO SUBPART C OF PART 843—PRESENT VALUE CONVERSION FACTORS FOR EARLIER COMMENCING DATE OF ANNUITIES OF CURRENT AND FORMER SPOUSES OF DECEASED SEPARATED EMPLOYEES

Age of separated employee at birthday before death	Multiplier
With at least 10, but less than 20 years of creditable service—	
26	0.0592
27 .....	.0633
28 .....	.0688
29 .....	.0730
30 .....	.0804
31 .....	.0859
32 .....	.0921
33 .....	.0991
34 .....	.1064
35 .....	.1158
36 .....	.1234
37 .....	.1333
38 .....	.1422
39 .....	.1551
40 .....	.1668
41 .....	.1799
42 .....	.1938
43 .....	.2097
44 .....	.2260
45 .....	.2437
46 .....	.2635
47 .....	.2858
48 .....	.3085
49 .....	.3346
50 .....	.3618
51 .....	.3926
52 .....	.4255
53 .....	.4623
54 .....	.5025
55 .....	.5463
56 .....	.5944
57 .....	.6461
58 .....	.7040

§ 843.401

Age of separated employee at birthday before death	Multiplier
59 .....	.7675
60 .....	.8374
61 .....	.9146

With at least 20, but less than 30 years of creditable service—

36	0.1483
37 .....	.1598
38 .....	.1709
39 .....	.1858
40 .....	.2000
41 .....	.2159
42 .....	.2325
43 .....	.2514
44 .....	.2708
45 .....	.2922
46 .....	.3160
47 .....	.3424
48 .....	.3697
49 .....	.4007
50 .....	.4335
51 .....	.4701
52 .....	.5093
53 .....	.5532
54 .....	.6010
55 .....	.6532
56 .....	.7104
57 .....	.7722
58 .....	.8411
59 .....	.9167

Age of separated employee at birthday before death	Multiplier by separated employee's year of birth		
	After 1966	From 1950 through 1966	Before 1950
With at least 30 years of creditable service—			
46	0.4109	0.4476	0.4870
47 .....	.4449	.4843	.5268
48 .....	.4805	.5232	.5691
49 .....	.5204	.5666	.6161
50 .....	.5630	.6130	.6666
51 .....	.6102	.6642	.7222
52 .....	.6610	.7195	.7823
53 .....	.7175	.7807	.8487
54 .....	.7790	.8474	.9210
55 .....	.8461	.9203	1.0000
56 .....	.9195	1.0000	1.0000

[72 FR 71743, Dec. 19, 2007]

Subpart D—Child Annuities

§ 843.401 Purpose.

This subpart explains the survivor benefits payable under FERS to children based on the deaths of employees and retirees.

§ 843.402 Eligibility requirements.

A surviving child of an employee or retiree who dies after completing 18 months of civilian service creditable

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under FERS is entitled to an annuity under this subpart.

§ 843.403 Proof of parentage.

(a) A judicial determination of parentage conclusively establishes the paternity of a child.

(b) Except as provided in paragraph (a) of this section, a child born to the wife of a married person is presumed to be the child of the wife's husband. This presumption may be rebutted only by clear and convincing evidence that the husband is not the father of the child.

(c) When paternity is not established under paragraph (a) or (b) of this section, paternity is determined by a preponderance of the credible evidence as defined in § 1201.56(c)(2) of this title.

§ 843.404 Proof of adoption.

(a) An adopted child is—

(1) A child adopted by the employee or retiree before the death of the employee or retiree; or

(2) A child who lived with the employee or retiree and for whom a petition for adoption was filed by the employee or retiree and who is adopted by the current spouse of the employee or retiree after the death of the employee or retiree.

(b) The only acceptable evidence to prove status as an adopted child under paragraph (a)(1) of this section is a copy of the judicial decree of adoption.

(c) The only acceptable evidence to prove status as an adopted child under paragraph (a)(2) of this section is copies of—

(1) The petition for adoption (clearly showing the date filed); and

(2) The judicial decree of adoption.

§ 843.405 Dependency.

To be eligible for survivor annuity benefits, a child must have been dependent on the employee or retiree at the time of the employee's or retiree's death.

§ 843.406 Proof of dependency.

(a) A child is considered to have been dependent on the deceased employee or retiree if he or she is—

(1) A legitimate child; or

(2) An adopted child; or

(3) A stepchild or recognized natural child who lived with the employee or